

6/20/86

R-1986-3

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE COMMISSIONER OF PATENTS AND TRADEMARKS

In re)	
)	On petition from decision
Petitioner)	of Director of Enrollment
)	and Discipline
_____)	

DECISION DISMISSING PETITION

Petitioner seeks review under 37 CFR 10.2(c)(1985) of a decision of the Director of Enrollment and Discipline (Director) holding that petitioner failed to achieve a passing grade on the afternoon section of the examination for registration to practice before the Patent and Trademark Office in patent cases given on October 8, 1985.

Petitioner took the examination on October 8, 1985. He passed the morning section, but failed the afternoon section. Thereafter, a timely request for regrading of the afternoon portion of the examination was filed pursuant to 37 CFR 10.7(c)(1985). After considering the request on the merits, the Director denied any relief concluding that petitioner had not passed the examination. This petition was filed on April 10, 1986. Two days before filing the

Decision Dismissing Petition
Page 2

petition, petitioner took the afternoon section of the examination for registration given on April 8, 1986. The Director has advised that petitioner passed the afternoon section of the April 8, 1986, examination.

The relief sought in the petition is a declaration that petitioner has passed the afternoon section examination given October 8, 1985. Having passed the morning section of the examination of October 8, 1985, and the afternoon section of the examination of April 8, 1986, petitioner is deemed to have passed the "examination" required by 37 CFR 10.7(b)(1985). At this point in time, therefore, it does not matter whether petitioner passed or failed the afternoon section of the October 8, 1985, examination. Accordingly, the petition is dismissed as moot.

Date:

June 20, 1986

Donald W. Peterson
DONALD W. PETERSON
Deputy Commissioner

cc: